

REMARKS

In response to the June 28, 2004 Restriction Requirement, Applicants elect Group B, claims 5-14, 30, and 33, drawn to isolated nucleic acids, vectors, and a host cell, classified in class 536, subclass 23.1. Further, Applicants select polynucleotide SEQ ID NO: 19, encoding the polypeptide SEQ ID NO: 20, with traverse.

Applicants traverse the restriction requirement. The claims of Group B are drawn to nucleic acids. The claims of Group E are drawn to a method of screening a sample for a nucleic acid molecule of the elected claims of Group B. The claims of Group Q are drawn to method of measuring the amount of nucleic acid of the elected claims of Group B. These three groups of claims are not distinct because by detecting (claims of Group E) or measuring (claims of Group Q) the nucleic acid (claims of Group B), Group E and Q become part of Group B. In addition, Applicants believe that a search of SEQ ID NO: 19, which encodes the polypeptide SEQ ID NO: 20, would encompass any references to use in examination of the three groups. Therefore, rejoinder of Groups B, E and Q would not present a serious burden for the Examiner.

The M.P.E.P. §803 (Eighth Edition, August 2001, revised February 2003) states:

If the search and examination of an entire application can be made without serious search burden, the Examiner must examine it on the merit, even though it includes claims to independent and distinct inventions.

Applicants submit therefore, that according to M.P.E.P. §803.02 claims to Groups B, E and Q should be examined together because the search and examination of these claims would not unduly burden the Examiner.

Upon entry of this amendment, claims 5-10, 12-14, 30, 33 and 42-48 will be pending. Claims 1-4, 15-18, 20-29, 31-32, 34-38, and 40-41 have been canceled without prejudice or disclaimer as drawn to non elected subject matter. Elected claim 11 has been canceled. Applicants reserve the right to pursue the subject matter of canceled claims in a later application. Claims 19 and 39 have been withdrawn. Claims 5-10, 12, 30 and 33 have been amended. Claims 42-48 have been added to further reflect the subject matter of Applicants' invention. Support for claims can be found throughout the specification and claims as originally filed (see for example, pages 58-69.) No new matter has been added.

CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.48(B).

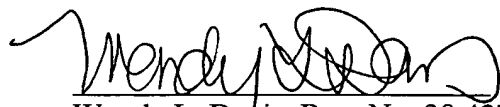
Applicants concurrently herewith file a Petition and Amendment to Correct Inventorship Under 37 C.F.R. §1.48(b), copy attached hereto, and the processing fee set forth in 37 C.F.R. 1.17(h). Upon entry of the requested Petition and Amendment, **Esha Gangolli** is named as the sole inventor of the claimed invention.

The Petition and Amendment requests the deletion of the following persons who are not inventors of the currently claimed invention: Kimberly A. Spytek; Jennifer Gilbert; Stacie J. Casman; Angela D. Blalock; Li Li; Corine Vernet; Suresh G. Shenoy; Vishnu S. Mishra; Katarzyna Furtak; Valarie Gerlach; Shlomit Edinger; Uriel Malyankar; David J. Stone; Isabelle Millet; Glenda Smithson; Erik Gunther; Karen Ellerman; Muralidhara Padigaru; Raymond J. Taupier; and David W. Anderson.

CONCLUSION

Applicants respectfully request that the amendments and remarks made herein be entered and made of record in the file history of the present application. Applicants respectfully submit that this paper is fully responsive to the Restriction Requirement of June 28, 2004, and that the pending claims are in condition for allowance. Such action is respectfully requested. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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